RAMAKANT D. KHALAP): (a) to (d) Yes, Sir. A proposal for the amendment of the Code of Civil Procedure, 1908 and the Limitation Act, 1963 towards judicial reforms is under active consideration of the Government and a Bill in this regard may be brought soon before the Parliament.

Definition of Public servant under the PCA

406. SHRI O.P. KOHLI: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether different High Courts have given different verdicts about whether the MPs and MLAs come under the definition of public servants in the prevention of Corruption Act (PCA);

(b) if so, whether instead of the reported move to amend the PCA for excluding the legislators from its purview, Government will seek the verdict of a special Supreme Court bench in this regard and if not, the reasons therefor; and

(c) whether the exclusion of the legislators from the purview of the PCA (as public servants) will lead to unbridled corruption in public life?

THE MINISTER OF STATE OF THE MINISTRY OF LAW AND JUSTICE (SHRI RAMAKANT D. KHALAP): (a) The Orissa High Court in its judgement dated 5.5.1993 in Criminal Miscellaneous case No. 1253 of 1991 have held that MLAs are public servants in terms of the prevention of Corruption Act, 1988. The Supreme Court while disposing of the appeal challenging the Orissa High Court Judgement did not pass any specific order on this aspect. The judgement of Orissa High Court in this matter still holds good.

(b) There is no proposal, at present, to amend the PCA, 1988.

(c) Does not arise.

Empowering the Election Commission with rule making powers

407. MISS SAROJ KHAPARDE: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that in a recent conference of Chief Electoral Officers of the States a demand was raised to empower the Election Commission with rule making powers to regulate the elections; and

(b) if so, the reaction of Government thereto?

THE MINISTER OF STATE OF THE MINISTRY OF LAW AND JUSTICE (SHRI RAMAKANT D. KHALAP): (a) Yes, Sir.

(b) The Government does not favour the proposal.

Recommendations of Law Commission of India

408. PROF. RAM KAPSE: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Law Commission of India has recommended a number of changes in the provisions of the code of Criminal Procedure, 1973, dealing with offences against women and special protection to them against exploitation and harassment;

(b) if so, the details thereof; and

(c) the action taken or proposed to be taken in the matter?

THE MINISTER OF STATE OF THE MINISTRY OF LAW AND JUSTICE (SHRI RAMAKANT D. KHALAP): (a) Yes, Sir.

(b) The details of the recommendations are contained in Chapter XXII of the 154th Report of law Commission laid on the Table of the House on 20.12.1996.

(c) The report is being examined with a view to implementing the recommendations contained therein.

जनप्रतिनिधित्व अधिनियम की धारा 77 को रद्द करने का प्रस्ताव

409. श्री रामगोपाल यादव: क्या विधि और न्याय मंत्री यह बताने की कृपा करेंगे कि:

(क) क्या सरकार चुनाव प्रक्रिया में पारदर्शिता लाने तथा स्वतंत्र एवं निष्पक्ष चुनाव कराने के लिये जनप्रतिनिधित्व अधिनियम की धारा 77 को रद्द करने के लिये कोई विधेयक लाने पर विचार कर रही है;